

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
West Branch Community Schools)	File No. SLD-244569
West Branch, Iowa)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21 ✓
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: January 14, 2003

Released: January 15, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by West Branch Community Schools (West Branch), West Branch, Iowa. West Branch seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting West Branch's appeal on the grounds that it was untimely filed.¹ For the reasons set forth below, we affirm SLD's rejection and deny West Branch's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on July 23, 2001, denying West Branch's request for discounted services under the schools and libraries universal service support mechanism.² Specifically, SLD denied West Branch's request for discounts for telecommunications services and Internet access, Funding Request Numbers (FRNs) 590271, 590295, 590322, 590344, 590369, 590387, 590407, 590428, 590444, 590461, 590472, 590485, 590548, and 590569.³ On September 4, 2001, West Branch filed an appeal of SLD's decision.⁴

¹ Letter from Craig Artist, West Branch Community Schools, to Federal Communications Commission, filed March 4, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Craig Artist, West Branch Community Schools, dated July 23, 2001 (Funding Commitment Decision Letter).

⁴ *Id.*

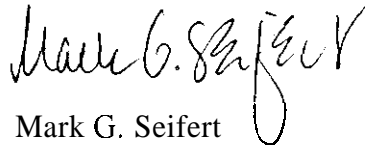
⁵ Letter from Craig Artist, West Branch Community Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed September 4, 2001 (Request for Administrator Review).

On September 17, 2001, SLD issued an Administrator's Decision on Appeal, indicating that it would not consider West Branch's appeal because it was received more than 30 days after the July 23, 2001 Funding Commitment Decision Letter was issued.⁶ West Branch subsequently filed the instant Request for Review with the Commission.

3. For requests seeking review of decisions issued before August 13, 2001 under section 54.720(b) of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision that the party seeks to have reviewed.' Documents are considered to be filed with the Commission or SLD only upon receipt.' The 30-day deadline contained in section 54.720(b) of the Commission's rules applies to all such requests for review filed by a party affected by a decision issued by the Administrator.' Because West Branch failed to file an appeal of the July 23, 2001 Funding Commitment Decision Letter within the requisite 30-day appeal period, we affirm SLD's decision to dismiss West Branch's appeal to SLD as untimely and deny the instant Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by West Branch Community Schools, West Branch, Iowa, on March 4, 2002 is DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Craig Artist, West Branch Community Schools, dated September 17, 2001 (Administrator's Decision on Appeal).

47 C.F.R. § 54.720(b).

⁸ 47 C.F.R. § 1.7

⁹ Due to recent disruptions in the reliability of the mail service, the 30-day appeal period has been extended by an additional 30 days for requests seeking review of decisions issued on or after August 13, 2001. See *Implementation of Interim Filing Procedures for Filings of Requests for Review*, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order, FCC 01-376 (rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Errata (Coin. Car. Bur. rel. December 28, 2001 and January 4, 2002); SLD website, What's New (January 20, 2002). <<http://www.sl.universalservice.org/whatsnew/012002.asp#extended>>. Because the July 23, 2001 Funding Commitment Decision Letter was issued before August 13, 2001, the extended appeal period does not apply to West Branch.